

Zoning Commission Minutes

October 30, 2014
3:00 pm

Chairman Russ Hoff called the meeting of the Stark County Zoning Commission to order. Chairman Hoff, Jay Elkin, Kurt Froelich, Duane Grundhauser, Gene Jackson, Larry Messer and Sue Larsen present and absent was Klayton Oltmanns. Also present were Planner Steve Josephson, and Nicole Roberts of the Auditor's office.

Jay Elkin moved to approve the minutes from the September 28, 2014 meeting. Duane Grundhauser. All voted Aye and motion carried.

Chairman Hoff opened the public hearing on a request from Melissa Hochmuth of NextEra Energy Resources. The request is for conditional use permit for a 197 foot meteorological tower (MET) to be used to monitor and collect wind data on a parcel located in the SW4 of Section 12, Township 139, Range 94 containing approximately 160 acres. The actual lease area is approximately 2.47 acres. Chairman Hoff asked for anyone to speak for or against the conditional use permit. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of the zoning change for a conditional use permit for a 197 foot meteorological tower following staff recommendations for Melissa Hochmuth of NextEra Energy Resources. Larry Messer seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:

- 1. The location of the proposed project should not adversely impact the existing uses in the vicinity; and**
- 2. The conditional use shall be limited through the inclusion of the following conditions:**
 - a. Development shall be limited to a guy-wired meteorological tower (MET) to be used to be used to monitor and collect wind data;**
 - b. No outdoor storage shall be allowed on site;**
 - c. The maximum height of the MET shall be limited to 197 feet;**
 - d. The location of the MET shall be as generally shown on the drawing dated September 26, 2014;**
 - e. The duration of the conditional use permit shall be five and one-half years;**
 - f. The developer shall be responsible for all maintenance associated with the MET; and guys, and the driveways/roads accessing the tower;**
 - g. The developer shall provide a six-foot chain link fence around the MET and baseplate;**
 - h. Unless required by the Federal Aviation Authority, the MET shall not be lighted;**
 - i. If necessary, the developer, prior to construction, shall submit a letter from the Federal Aviation Administration (FAA) stating that the MET does not exceed the maximum height permitted under FAA rules and does not require lighting;**
 - j. Any proposed change of use of the MET, increase in height or change of location shall require a hearing before the Stark County Planning and Zoning Board and approval as well as approval from the Stark County Commission; and**
 - k. Development of the MET shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

1. **The applicant shall report to the Zoning Administrator if the tower is no longer in use. The tower shall be removed, at the applicant's expense, within six (6) months of this notice and the site shall be restored by the applicant to its pre-existing condition.**

Chairman Hoff opened the public hearing on a request from Melissa Hochmuth of NextEra Energy Resources. The request is for conditional use permit for a 197 foot meteorological tower (MET) to be used to monitor and collect wind data on a parcel located in the E2 of the SE4 of Section 24, Township 139, Range 94 containing approximately 80 acres. The actual lease area is approximately 2.47 acres. Chairman Hoff asked for anyone to speak for or against conditional use permit. Chairman Hoff closed the public hearing.

Gene Jackson moved to recommend to the Stark County Board of Commissioners the approval of the conditional use permit following staff recommendations for Melissa Hochmuth of NextEra Energy Resources. Duane Grundhauser seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:

3. **The location of the proposed project should not adversely impact the existing uses in the vicinity; and**
4. **The conditional use shall be limited through the inclusion of the following conditions:**
 - m. **Development shall be limited to a guy-wired meteorological tower (MET) to be used to monitor and collect wind data;**
 - n. **No outdoor storage shall be allowed on site;**
 - o. **The maximum height of the MET shall be limited to 197 feet;**
 - p. **The location of the MET shall be as generally shown on the drawing dated September 26, 2014;**
 - q. **The duration of the conditional use permit shall be five and one-half years;**
 - r. **The developer shall be responsible for all maintenance associated with the MET; and guys, and the driveways/roads accessing the tower;**
 - s. **The developer shall provide a six-foot chain link fence around the MET and baseplate;**
 - t. **Unless required by the Federal Aviation Authority, the MET shall not be lighted;**
 - u. **If necessary, the developer, prior to construction, shall submit a letter from the Federal Aviation Administration (FAA) stating that the MET does not exceed the maximum height permitted under FAA rules and does not require lighting;**
 - v. **Any proposed change of use of the MET, increase in height or change of location shall require a hearing before the Stark County Planning and Zoning Board and approval as well as approval from the Stark County Commission; and**
 - w. **Development of the MET shall be performed in accordance with all applicable County, State and Federal rules and regulations.**
 - x. **The applicant shall report to the Zoning Administrator if the tower is no longer in use. The tower shall be removed, at the applicant's expense, within six (6) months of this notice and the site shall be restored by the applicant to its pre-existing condition.**

Chairman Hoff opened the public hearing on a request from Melissa Hochmuth of NextEra Energy Resources. The request is for conditional use permit for a 197 foot meteorological tower (MET) to be used to monitor and collect wind data on a parcel located in the E2 of the SE4 of Section 24, Township 139, Range 94 containing approximately 80 acres. The actual lease area is approximately 2.47 acres. Chairman Hoff asked for anyone to speak for or against conditional use permit. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of the conditional use permit following staff recommendations for Melissa Hochmuth of NextEra Energy Resources. Sue Larsen seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:

- 5. The location of the proposed project should not adversely impact the existing uses in the vicinity; and**
- 6. The conditional use shall be limited through the inclusion of the following conditions:**
 - y. Development shall be limited to a guy-wired meteorological tower (MET) to be used to be used to monitor and collect wind data;**
 - z. No outdoor storage shall be allowed on site;**
 - aa. The maximum height of the MET shall be limited to 197 feet;**
 - bb. The location of the MET shall be as generally shown on the drawing dated September 26, 2014;**
 - cc. The duration of the conditional use permit shall be five and one-half years;**
 - dd. The developer shall be responsible for all maintenance associated with the MET; and guys, and the driveways/roads accessing the tower;**
 - ee. The developer shall provide a six-foot chain link fence around the MET and baseplate;**
 - ff. Unless required by the Federal Aviation Authority, the MET shall not be lighted;**
 - gg. If necessary, the developer, prior to construction, shall submit a letter from the Federal Aviation Administration (FAA) stating that the MET does not exceed the maximum height permitted under FAA rules and does not require lighting;**
 - hh. Any proposed change of use of the MET, increase in height or change of location shall require a hearing before the Stark County Planning and Zoning Board and approval as well as approval from the Stark County Commission; and**
 - ii. Development of the MET shall be performed in accordance with all applicable County, State and Federal rules and regulations.**
 - jj. The applicant shall report to the Zoning Administrator if the tower is no longer in use. The tower shall be removed, at the applicant's expense, within six (6) months of this notice and the site shall be restored by the applicant to its pre-existing condition.**

Chairman Hoff opened the public hearing on a request from Melissa Hochmuth of NextEra Energy Resources. The request is for a conditional use permit for a 197 foot meteorological tower (MET) to be used to be used to monitor and collect wind data on a parcel located in the SW4 of Section 14, Township 139, Range 92 containing approximately 160 acres. The actual lease area is approximately 2.47 acres. Chairman Hoff asked for anyone to speak for or against the conditional use permit. Chairman Hoff closed the public hearing.

Duane Grundhauser moved to recommend to the Stark County Board of Commissioners the approval of the conditional use permit following staff recommendations for Melissa Hochmuth of NextEra Energy Resources Larry Messer seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:

- 7. The location of the proposed project should not adversely impact the existing uses in the vicinity; and**
- 8. The conditional use shall be limited through the inclusion of the following conditions:**
 - kk. Development shall be limited to a guy-wired meteorological tower (MET) to be used to be used to monitor and collect wind data;**
 - ll. No outdoor storage shall be allowed on site;**
 - mm. The maximum height of the MET shall be limited to 197 feet;**
 - nn. The location of the MET shall be as generally shown on the drawing dated July 7, 2014;**
 - oo. The duration of the conditional use permit shall be five and one-half years;**
 - pp. The developer shall be responsible for all maintenance associated with the MET; and guys, and the driveways/roads accessing the tower;**
 - qq. The developer shall provide a six-foot chain link fence around the MET and baseplate;**
 - rr. Unless required by the Federal Aviation Authority, the MET shall not be lighted;**
 - ss. If necessary, the developer, prior to construction, shall submit a letter from the Federal Aviation Administration (FAA) stating that the MET does not exceed the maximum height permitted under FAA rules and does not require lighting;**
 - tt. Any proposed change of use of the MET, increase in height or change of location shall require a hearing before the Stark County Planning and Zoning Board and approval as well as approval from the Stark County Commission; and**
 - uu. Development of the MET shall be performed in accordance with all applicable County, State and Federal rules and regulations.**
 - vv. The applicant shall report to the Zoning Administrator if the tower is no longer in use. The tower shall be removed, at the applicant's expense, within six (6) months of this notice and the site shall be restored by the applicant to its pre-existing condition.**

Steve Josephson, County Planner informed the board that Kelly Braun from Dickinson Theodore Roosevelt Regional Airport will be attending next months meeting.

Sue Larsen moved to adjourn. Gene Jackson seconded.